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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,835	12/29/1999	GREGORY FENDIS	P06608US0/DE	2965

881 7590 12/15/2005

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/446,835	FENDIS, GREGORY	
	Examiner	Art Unit	
	Robert Mosser	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/08/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

♦

Claims 1-43 are rejected.

Responsive to the amendment filed June 8th 2005.

This action is final

♦

Information Disclosure Statement

The information disclosure statement (IDS) submitted on April 8th, 2005 has been considered. A copy is attached for applicant's records.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1-5, 13-22, 29-38** and **41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Colley*** (US 5,283,733) or ***Born*** et al (US 5,949,679) in view of ***Lobb*** et al (5,810,680) in further view of **Luna** (US 5,324,028).

Regarding claims **1-5, 13-22, 29-38**, and **41-43**, Colley discloses a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing and manipulating golf scores (Fig. 1, #1); a plurality of score input

terminals for entering golf score data remotely, said terminals being distributed about a golf course so that one or more of said terminals are located in association with each hole of said course (Fig. 1, # 3) and each of said terminals is provided with data indicative of its location (identification data); and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a respective terminal (identification data) are transmitted to the central computer (also see written description- abstract', col. 1, lines 27-32 and lines 36-42).

Regarding claims **1-5, 13-22, 29-38,** and **41-43,** Born teaches a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing and manipulating golf scores (Fig. 1 , #12); a plurality of score input terminals for entering golf score data remotely, said terminals being distributed about a golf course so that one or more of said terminals are located in association with each hole of said course (Fig. 1, #14) and each of said terminals is provided with data indicative of its location (identification data); and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a

respective terminal (identification data) are transmitted to the central computer (also see written description- abstract; col. 4, lines 9-14; col. 5, lines 5-16; col. 5, lines 26-29; col. 5, lines 57-64; col. 6, lines 29-39; col. 14, lines 4-6 and col. 14, lines 50-53).

Regarding claims **1-5, 13-22, 29-38** and **41-43**, Colley or Born teach the limitations of the claims above however, Colley or Born are silent regarding the newly added claim features of "a participant in said sport or game can play or progress through said phases in any order without providing said identification data to said respective data input means during said sport or game". Lobb teaches an input unit that has a GPS tracked input unit that has the feature of data input means is associated without being entered during said sport or game along with providing the respective identification data indicative of a respective location in terms of phases of play in form of a graphical map (Abstract; Fig. 1; Fig. 2 and Fig. 2A and Fig. 5A). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include these features, as taught by Lobb, in the input means of Colley or Born to make the system more convenient for the user, whereby game play does not have to be interrupted to enter pertinent data. This would increase speed of play and make gaming more enjoyable.

The combination of either Colley or Born in view of Lobb arguably fails to disclose allowing the player's to progress through the game phases in any order as now claimed. In a related application however Luna teaches and intelligent golf parties guidance system which provides the players the ability to play the holes of a golf course

out of their traditional numerical sequence (Abs). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the ability to allow golfers to play the holes of a golf course out of order as taught by Luna in the invention of Colley/Lobb or Born/Lobb so that teams would avoid delays in play due to slower teams as taught by Luna (Col 1:10-27).

Claims **6-12, 23-28** and **39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Colley*** or ***Born*** et al in view of ***Lobb*** et al (5,810,680), in further view of **Luna** (US 5,324,028) in yet further in view of ***Lyon***.

Regarding claims **6-12, 23-28** and **39-40**, Colley or Born in view of Lobb/Luna teaches all the limitations of the claims as discussed above. The references lack the explicit disclosure of the data card and reader. However, as discussed in the previous office actions (papers #12 and #15), incorporated herein by reference, Lyon teaches this feature. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the similar golf score keeping teaching of Lyon encompassed on a smart card with the golf devices of Colley, Born and Lobb/Luna to make it easier for the users to store and keep track of their scores or alternatively provide the player with a portable copy of their golf statistics.

Response to Arguments

Applicant's arguments filed June 8th, 2005 have been fully considered but they are not persuasive.

The applicant argues that the invention of Luna fails to allow the players to play the holes of a golf course in any order (remarks page 2). While the applicant's arguments are directed the player's direct selection of the order in which the hole are played the present claim language reads, "whereby a participant in said sport or game can play or progress through said phases in any order" (Pending Claim 1). The preceding language while encompassing the applicant's arguments is of a broader scope then argued by applicant. When considered in view of the prior art of Luna, this correlates to allowing a participant to progress through the phases of a sport or game in any order, so long as that order, is determined by the system of Luna.

On a second point the prior art of Luna is relied upon only "to allow golfers to play the holes of a golf course out of order". This feature while common practice on a golf course is typically utilized in order to skip a game phase currently being utilized by a slower moving group of players so as to avoid excessive waits during the play of a game. As Luna is relied upon solely for this feature the incorporation of remaining elements of Luna not relied upon in the rejection is improper unless applicant intends to demonstrate a destructive combination.

Remaining arguments presented by applicant are directed to the intent of the claims presented rather then the claim language presented. While the examiner

understands from the remarks present on pages four through six that the applicant believes novelty to reside in the game phase identification the applicant's claims are presently of a broader scope and not limited to the applicant presented claim interpretation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

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SUPERVISORY PATENT EXAMINER
TC3700